UNIVERSITY OF TORONTO
FACULTY OF LAW

BORA LASKIN LAW LIBRARY
3 1761 06110154 9

Constitutional Courts and Constitutional Rights

Faculty of Law
University of Toronto
Fall 2009

Volume I

Professor Lorraine E. Weinrib
Aharon Barak, President, Supreme Court of Israel (retired)
Dieter Grimm, Justice, German Constitutional Ct (Retired)
Frank Iacobucci, Justice, Supreme Court of Canada (retired)

Storage

K
3240
.C66
2009
v.1
c.1

BORA LASKIN LAW LIBRARY

SEP - 9 2009

FACULTY OF LAW
UNIVERSITY OF TORONTO

Constitutional Courts and Constitutional Rights

Faculty of Law
University of Toronto
Fall 2009

Volume I

Professor Lorraine E. Weinrib
Aharon Barak, President, Supreme Court of Israel (retired)
Dieter Grimm, Justice, German Constitutional Ct (Retired)
Frank Iacobucci, Justice, Supreme Court of Canada (retired)

CONSTITUTIONAL COURTS AND CONSTITUTIONAL RIGHTS
FALL 2009

VOLUME I

NAZI GERMANY

R.C. van Caenegem, "An Historical Introduction to Western Constitutional Law" – "Germany and the Third Reich".....1
Stolleis, "Law and Lawyers Preparing the Holocaust" 23
J.M.Greene, "Hitler's Courts ..." 37
Ingo Muller, *Hitler's Justice,* "The Courts and the Nazi Movement".....42
M. Burleigh and W. Wipperman, *The Racial State*,
"The Persecution of the 'Hereditarily Ill, the 'Asocial' and Homosexuals".....48
"Women in the Third Reich" 80
Interview with Christopher Browning 93
C. Browning, *The Origins of the Final Solution* (extract) 97

VOLUME II

POST-WAR GERMANY

INTRODUCTORY READING

Dieter Grimm, "Human Rights and Judicial Review in Germany"..... 1
Dieter Grimm, "Constitutional Issues in Substantive Law—Limits of Constitutional Jurisdiction".....15
Inga Markovits, "Constitution Making After National Catastrophes: Germany in 1949 and 1990".....19

CONSTITUTIONAL DOCUMENT

Basic Law for the Federal Republic of Germany (selections)..... 27
Basic Rights (Arts. 1-19) 27
Arts. 20-21 [Basic institutional principles]..... 34
Art. 79 [Amendment of the Basic Law]..... 36
Art. 68 [Vote of Confidence, Dissolution of the Bundestag].....37
Arts. 80a-82.....37
The Judiciary (Arts. 92-104)..... 39

CASE LAW

The Southwest Case, 1 BVerfGE 14 (1951).....43
The Luth Case, 7 BVerfGE 198 (1958).....48
The Microcensus Case, 27 BVerfGE 1 (1969)..... 54
The Mephisto Case, 30 BVerfGE 173 (1971)..... 56
The Life Imprisonment Case, 45 BVerfGE 187 (1977)..... 61
The Census Act Case, 65 BVerfGE 1 (1983)..... 69
The Holocaust Denial Case, 90 BVerfGE 241 (1994)..... 73
The Abortion Case (I), 39 BVerfGE 1 (1975)..... 79

The Abortion Case (II), 88 BVerfGE 203 (1993) 92
The Classroom Crucifix Case, 93 BVerfGE 1 (1995) 100
The Homosexuality Case, 6 BVerfGE 389 (1957) 115
The Transsexual Case, 49 BVerfGE 286 (1979) 120
Aviation Security Case (readings) 121
Computer Aided Profiling Case (readings) 130

ISRAEL

INTRODUCTORY READING

I. Zamir and A. Zysblat, *Public Law in Israel* 138
Jews in the Modern World: Zionism (readings) 147
Ayelet Shachar, "The Law of Return" 152

CONSTITUTIONAL DOCUMENTS

Declaration of Israel's Independence 1948 156
Basic Laws of the State of Israel (selections) 157
The Judiciary (1984) 157
Human Dignity and Liberty (1992) 161
Freedom of Occupation (1994) 162

CASE LAW

Meir Schnitzer v. The Chief Military Censor, 1989 164
El Al Airlines v. Danielowitz, 1994 195
United Mizrachi Bank v. Migdal Cooperative Village 220
Public Committee Against Torture in Israel v. The State of Israel, 1999 240
Muhammed Bakri v. Israeli Film Council, 2003 266
Physicians for Human Rights v. Commander of the IDF Forces in the Gaza Strip, 2004 ... 300
Beit Sourik Village v. The Government of Israel, 2004 317
Ka'adan v. The Israel Land Administration, 2000 353
Summary of Disengagement Opinion, June 2005 390
Summary of Fence Case #2 (Alfei Menashe) 392
Adalah Legal Centre for Arab Minority Rights in Israel v. Minister of Interior, 2006 396

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/constitutionalco01unse